

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NORMAN,

Plaintiff,

-against-

NEW YORK, ET AL.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 4/19/2023

22-cv-03411 (ALC)

ORDER OF DISMISSAL

ANDREW L. CARTER, United States District Judge:

On April 27, 2022, Plaintiff filed a Complaint commencing this action. ECF No. 1. Plaintiff brings this suit against New York, New York Child Support, and Evonne Hopkins (collectively “Defendants”). On October 4, 2022, the Court granted Plaintiff leave to file an amended complaint on or by December 5, 2022. ECF No. 7. To date, Plaintiff has yet to file an amended complaint. Therefore, service was due on Defendants on July 26, 2022. To date, Plaintiff has not filed proof of service with respect to the Defendants. On June 1, 2022, Plaintiff filed declarations stating that the Defendants rejected service of the summonses and complaint and asked the Court to serve all the Defendants via the U.S. Marshals. ECF Nos. 6-7. Plaintiff, however, paid the filing fee and did not seek *in forma pauperis* status. Therefore, he is responsible for serving the summons and complaint on the Defendants. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

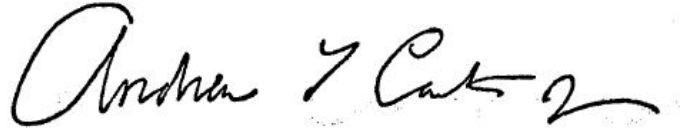
Fed. R. Civ. P. 4(m).

On February 2, 2023, the Court issued an Order to Show Cause as to why this action should not be dismissed without prejudice for failure to comply with Fed. R. Civ. P. 4(m). ECF No. 10. The Court directed Plaintiff to respond by February 10, 2023. To date, the Plaintiff has failed to

respond to the Order to Show Cause, nor has he taken any action in this case for several months. Accordingly, this action is hereby **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 4(m). The Clerk of Court is respectfully directed to terminate this case.

SO ORDERED.

Dated: April 19, 2023
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge